

## CITY COUNCIL REPORT

DATE: December 8, 2016

TO: Mayor and City Council

FROM: Elizabeth A. Burke, MMC, City Clerk

CC: Josh Copley City Manager; Barbara Goodrich; Deputy City Manager; Shane Dille, Deputy City Manager; Sterling Solomon, City Attorney; Stacy Saltzburg, Deputy City Clerk

SUBJECT: Information Request re Initiatives

In response to a request for information regarding the ability for Council to change action taken by the citizens of Flagstaff through the initiative process, please see the following:

### **Questions and Answers**

**Question:** *Can the City Council repeal or overturn an adopted voter initiative?*

**Answer:** No

**Question:** *Can the City Council amend an adopted voter initiative?*

**Answer:** No, unless by supermajority and it furthers the initiative's purposes

**Question:** *Can voters repeal or remove an adopted voter initiative?*

**Answer:** Yes, through the same voter initiative process

**Question:** *When does an adopted voter initiative become effective?*

**Answer:** Upon approval of the voters and proclamation by the Mayor

### **Applicable Points under the Arizona Constitution**

Article 4, Section 1(1) and (8) of the Arizona Constitution (the Constitution) reserves power to voters to pass new laws. Under the Constitution, Article 4, Section 1(14) a voter initiative approved by a majority of the voters cannot be repealed or overturned by the City Council.

Article 4, Section 1(6)(C) and 1(14) of the Arizona Constitution requires any amendment to further the purposes of the initiative and be approved by a supermajority of the City Council.

Article 4, Section 1 of the Arizona Constitution allows **voters** to propose and approve any initiative that repeals or removes law created by a previous initiative.

Article 4, Section 1(5) and (13) and Arizona Revised Statutes, Section 19-126 indicate that a voter initiative becomes effected as stated in the initiative, upon approval of the voters and proclamation of the Mayor.